WA 77/2007
BEFORE
HON'BLE MR JUSTICE D.BISWAS, CHIEF JUSTICE(ACTING)
HON'BLE SMT. JUSTICE A.HAZARIKA

Heard Mr R Hussain, learned counsel for the appellant; Mr AK Goswami, learned senior counsel for respondent No.8 and Mr N Baruah, learned Central Govt. Counsel.

Considering the nature of the dispute raised, we propose to dispose of the appeal at the admission stage.

This appeal is directed against the judgment dated 5.2.2007 passed by the learned Single Judge in WP(C) No. 578/2007. The writ petition was filed by the appellant praying for a direction for payment of rent/compensation and electricity charges on account of occupation of the factory premises belonging to them. The learned Single Judge by the impugned judgment dismissed the writ petition primarily on the ground that there was delay on the part of the appellant in approaching the Court.

We have considered the matter in depth.

It would appear that the erstwhile owner M/s. Wood Craft Products Limited had entered into an agreement with the respondent authority that he would allow the CRPF personnel to stay in the factory premises free of charge. The agreement was not a registered agreement. Subsequently, the appellant purchased the aforesaid factory premises for a consideration of Rs. 35 lakhs. In the sale deed there is no mention of the previous agreement entered into between the vendor and the respondent authority. That

being so, the appellant had no information about any agreement between the vendor and the respondent authority. At least the appellant, in our considered opinion, appears to be entitled to compensation for use and occupation of the factory premises w.e.f. the date he had acquired title over the same. It may be mentioned here that immediate after purchase the appellant had submitted a representation on 11.3.2002 claiming compensation/rent. The said representation was also followed by a number of representations which have not been responded to by the respondent authority. That apart, it is submitted by the learned counsel that the factory is still under occupation of the respondents.

In the facts and circumstances, in our considered opinion, the delay for which the learned Single Judge dismissed the appeal is not of much significance since the appellant would be entitled to reasonable compensation/rent including electricity charges for use and occupation of the factory premises by the respondents.

We, therefore, dispose of this appeal reversing the judgment passed by the learned Single Judge calling upon the appellant to prefer a representation before the Deputy Commissioner, Karbi Anglong within a period of one month from today. On receipt thereof, the Deputy Commissioner shall examine the matter, assess the reasonable compensation/ rent in accordance with the provisions of law and take appropriate steps for payment of the aforesaid amount along with electricity charges within next three months.